

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America

v.

Enrique Mejia-Orellana
a/k/a Jose Enrique Mejia-Tigeros

Case No. 3:16mj 106-LRA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/09/2016 in the county of Hinds in the
Southern District of Mississippi, the defendant(s) violated:

Code Section


Offense Description

18 U.S.C. Section 922(g)(5)

Illegal alien in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

 Complainant's signature
 Francisco J. Ayala, Deportation Officer, ICE
 Printed name and title

Sworn to before me and signed in my presence.

Date: 02/09/2016

 Judge's signature
City and state: Jackson, MSLinda R. Anderson, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Francisco J. Ayala, being duly sworn, do hereby depose and state:

1. I am a Deportation Officer (DO) with U. S. Immigration and Customs Enforcement (ICE) and have been employed as such since August 12, 2012. Prior to this position I have served as an Immigration Enforcement Agent with ICE.
2. I have received training in the areas of criminal law enforcement as a law enforcement officer for ICE. That training has included the investigation and prosecution of violations of criminal laws relating to unlawful entry, employment, and physical presence in the United States of individuals subject to the Immigration and Nationality Act.
3. My current duties include conducting criminal investigations of violations of Federal Statutes including Section 922(g)(5)(A), Title 18, United States Code, which makes it illegal for any person, being an alien who is illegally or unlawfully in the United States, to possess or receive any firearm or ammunition which has been shipped or transported in interstate commerce and administrative violations of the Immigration and Nationality Act..
4. As part of my duties, I am involved in the investigation of the illegal possession of firearms by foreign born nationals illegally present in the United States (US) and currently residing at 1032 Westhaven Blvd., Jackson, MS 39209. During the course of my investigation the following events have occurred:
 - a. On January 15, 2016 a Concerned Private Individual (CPI) came to the ICE office in Pearl, MS and provided information related to illegal aliens in possession of firearms living at 1032 Westhaven Blvd., Jackson, MS 39209. The CPI stated that three Hispanic males, born in Honduras and illegally present in the United States (US) owned firearms and had shot them in their front yard on the previous night. These males were identified by the CPI as:
 1. Jose Enrique Tigreros
 2. Erlin Antonio Hernandez Lopez
 3. Cesar David Hernandez Lopez
 - b. The CPI stated that Jose Enrique Tigreros sleeps inside a green minivan located behind the house in the back yard. He also stated that Tigreros owns and drives a 1999 Toyota Camry and that he works at a local Texaco gas station on highway 80 near their house. According to the information received, Tigreros bought the firearm from his supervisor at the gas station.
 - c. The CPI stated that Erlin Antonio Hernandez Lopez, who is married to an illegal alien from Honduras that currently reports to ICE in Jackson, MS on an Order of Supervision, owns a firearm and drives a silver Honda.

1. HERNANDEZ-Lopez' wife is identified as Keydi GONZALEZ-Lopez. GONZALEZ-Lopez was released from ICE after being arrested at the US/Mexico border and placed in removal proceedings. She is currently reporting to ICE in Pearl, MS and under the ICE Intensive Supervision and Appearance Program.
- d. The CPI indicates that Erlin's brother, Cesar David HERNANDEZ-Lopez owns a firearm and drives a 2006 Cadillac STS Silver in color.
- e. The CPI stated that he used to live with the individuals at the same residence approximately two months ago and that he witnessed them be in possession of the firearms. According to the CPI, a friend of his, who is currently a neighbor of these individuals called him on the night of January 14, 2016 and told him that they were shooting their guns in the front yard of the house. The CPI then went to the residence in the early morning of January 15, 2016, and recovered ammunition brass from the front yard of the residence. The brass; 1 round of Smith and Wesson .40, 6 rounds of Luger 9mm and 3 rounds of .32 caliber was seized (Exhibit #1).
- f. On January 26, 2016 at approximately 1448hrs your affiant conducted surveillance at the residence located at 1032 Westhaven Blvd., Jackson, MS 39209 and the Texaco Gas Station located at 5211 Highway 80, Jackson, MS 39209. Your affiant was able to confirm most of the information provided by the CPI related to the vehicles at the location. In the back yard of the residence at 1032 Westhaven Blvd., Jackson, MS 39209 your affiant witnessed a Green Dodge Caravan, MS tag HQQ 697 parked behind the residence. The inside of the vehicle's windows are covered with some kind of fabric (curtains) and it appears that in fact someone lives in the vehicle.
- g. In the back yard of the residence at 1032 Westhaven Blvd., Jackson, MS 39209 your affiant found two structures (Exhibit 5), probably used for storage. Parked in front of the house your affiant witnessed a Cadillac silver in color and a Gray Chevy Silverado, MS Tag YZ6 202 (Exhibit 6). At approximately 1700hrs one of the ICE officers assisting your affiant, witnessed a Honda Pilot, silver in color, MS Tag HSP 774 parked in the house driveway.
- h. At the Texaco Gas Station your affiant witness a Toyota Camry, white in color, MS tag #HTG 539 parked in front of the trash container. Your affiant went inside the gas station and a Hispanic male was found working inside.
- i. On January 27, 2016 at approximately 1717hrs surveillance was conducted at the two locations and your affiant witnessed the same vehicles parked in the same places as the day before.
- j. On January 28, 2016 your affiant interviewed the CPI for a second time at the

ICE office in Pearl, MS. During this interview the CPI provided pictures taken from Facebook of Erlin Antonio HERNANDEZ-Lopez, Cesar David HERNANDEZ-Lopez, Luis Enrique Tigreros also known as (aka) Luis Enrique MEJIA-Tigreros, Edison Zelaya and Irma Annabell Molina Mejia. The CPI also provided a copy of E-Verify rejection letter from Erlyn Lopez, a copy of Cesar David Hernandez Lopez' Honduran Passport and 2 rounds of 9mm ammunition (exhibit 8) he found next to a sofa in the residence's car port on January 21, 2016. The CPI also provided your affiant a written affidavit written in the Spanish language.

- k. Based on the testimony given to your affiant, the CPI stated in part that he used to live in the house located at 1032 Westhaven Blvd., Jackson, MS 39209 initially with Cesar David HERNANDEZ-Lopez, Erlin Antonio HERNANDEZ-Lopez, Edison, and Jose Enrique MEJIA-Tigreros. During the time he resided there, the CPI engaged in conversations with these three individuals and learned that they were all nationals of Honduras illegally present in the US. The CPI became aware of Cesar and Erlin Antonio HERNANDEZ-Lopez have bought two firearms (possibly 9mm and .22 caliber) without the proper documentation. Later Jose Enrique MEJIA-Tigreros bought a Black 9mm Beretta for \$150.00 USD from his supervisor and owner of the Texaco gas station he works at. MEJIA-Tigreros told the CPI that he bought it for protection because he lives in the minivan parked behind the house. The CPI witnessed Cesar David HERNANDEZ-Lopez, Erlin Antonio HERNANDEZ-Lopez, and Jose Enrique MEJIA-Tigreros test fire their guns in the back yard while intoxicated with alcoholic beverages and decided to move out. However he continues to visit them weekly to collect payments for the vehicles he sold to Jose Enrique MEJIA-Tigreros and Cesar David HERNANDEZ-Lopez.
- l. Based on the CPI statement, on December 23, 2015 he was grilling in his back yard with Julio MEJIA-Tigreros, brother of Jose Enrique MEJIA-Tigreros and other friends. Due to the consumption of alcohol Julio MEJIA-Tigreros and another subject engaged in an argument resulting in Julio MEJIA-Tigreros assaulting the other with a knife. At approximately 0230hrs and after the victim was no longer in the house, Jose Enrique MEJIA-Tigreros and Cesar David HERNANDEZ-Lopez arrived to the house carrying guns in their waist and looking for the victim. They later left the house with Julio MEJIA-Tigreros' belongings.
- m. On January 21, 2016 the CPI went to collect the payments due to him for the vehicles at his old residence located at 1032 Westhaven Blvd., Jackson, MS 39209 as he does weekly. The CPI was accompanied by his friend who was the victim of the December 23, 2015 assault and sitting in the back seat of the CPI's car. According to the CPI when Erlin Antonio HERNANDEZ-Lopez noticed the victim sitting in the back of his car, he came outside the house holding a black 9mm handgun and threatened his friend again.

- n. The E-verify no confirmation letter from Erlin Antonio HERNANDEZ-Lopez provided to your affiant shows that the Social Security number and the name and date of birth provided in the form does not match with the Social Security Administration registry. Records check conducted in an open source site revealed that the Social Security number listed on the E-Verify letter (Exhibit 9) belongs to a deceased person. On February 1, 2016 your affiant obtained a copy of a Certificate of Death (Exhibit 10) from the Office of Inspector General of the Texas Health and Human Services Commission and confirmed that the Social Security number belongs to a deceased United States Citizen (USC). Based on training and experience the Social Security number of USC's is commonly used by illegal aliens to obtain work within the US.
 - o. On January 29, 2016 your affiant conducted a search in immigration databases of the information obtained from a copy of Cesar David HERNANDEZ-Lopez' Honduran passport (Exhibit 11). No records were found which would indicate that Cesar David HERNANDEZ-Lopez legally entered or is allow to remain within the US legally.
 - p. Your affiant also conducted a search in immigration databases and no records were found which would indicate that Luis Enrique MEJIA-Tigeros and Erlin Antonio HERNANDEZ-Lopez legally entered or are allowed to remain within the US legally.
 - q. The CPI indicated that sometimes the firearms are hidden inside the blue shed in the back yard. This is a precaution they take when the ICE contractor conducts home visits to Keydi GONZALEZ-Lopez. GONZALEZ-Lopez was released from ICE after being arrested at the US/Mexico border and placed in removal proceedings. She is currently under the ICE Intensive Supervision and Appearance Program. Your affiant is the case officer assigned to GONZALEZ-Lopez proceedings.
 - r. Records maintained by the Mississippi Tax Commission revealed that the 2003 Honda Pilot, Silver in Color, MS Tag # HSP 774 is registered to Erlyn Lopez aka Erlin Antonio HERNANDEZ-Lopez. The 2006 Cadillac STS, silver in color, VIN# 1G6DW677560100077 is registered to the CPI, however he sold the vehicle to Cesar David HERNANDEZ-Lopez. The 1999 Toyota Camry, white in color, is also registered to the CPI; he sold the vehicle to Luis Enrique MEJIA-Tigeros. The 1999 Dodge Caravan, green in color, MS Tag #HQQ 697, currently use as sleeping quarters annexed to the house is registered to Evelyn Mendez. According to the CPI Evelyn was his ex-significant other and he owned the vehicle. After they terminated the relationship, he sold the vehicle to Luis Enrique MEJIA-Tigeros.
5. Based on the above information, on February 4, 2016 your affiant made application for and received a Search and Seizure Warrant for the property located at 1032 Westhaven Blvd., Jackson, MS 39209.

6. On February 9, 2016 your affiant and other law enforcement officers executed the Search and Seizure Warrant at the property located at 1032 Westhaven Blvd., Jackson, MS 39209.
7. During the execution of the warrant officers located the green minivan previously described above in paragraph 4(b). Located inside this vehicle officers found a lone Hispanic male sleeping on a mattress. After ordering this individual out of the vehicle and securing him for safety reasons, officers could view in plain sight a semi-automatic pistol lying on the mattress from where the individual had just been removed. The Hispanic male found in the vehicle was then taken inside the residence while a complete search was made of the minivan. Upon a further detailed search of the vehicle officers were able to determine that the semi-automatic pistol previously seen was Ruger 9mm pistol, S/N 335-24546. Seated in the pistol was a magazine containing thirteen rounds of 9mm ammunition. Also located inside the minivan were:
 - a. 49 additional rounds of 9mm ammunition
 - b. One round of .32 caliber ammunition
 - c. One round of .40 caliber ammunition
 - d. One form I-551, Permanent Resident Card, bearing the name Jose Enrique MEJIA-Orellana and place of birth as Honduras. (Based on officers' training and experience this document was immediately identified as counterfeit)
 - e. One Mississippi Identification Card bearing identification number 008655433, the name Pedro Marcos Chaves and a photograph appearing to be the same individual previously identified in paragraph 7(d) as Jose Enrique MEJIA-Orellana.
8. After being secured and escorted inside the residence, the Hispanic male from the minivan was read a Miranda Warning in the Spanish language. This individual identified himself as Jose Enrique MEJIA-Orellana, a native and citizen of Honduras, and further stated that he did not have any immigration documents allowing him to reside or be present in the United States. MEJIA-Orellana stated that he had paid \$300 United States Dollars (USD) for the gun found with him from an unknown person using another Hispanic male as a middleman.
9. During the execution of the above mentioned warrant on the inside of the house located at 1032 Westhaven Blvd., Jackson, MS 39209 officers located three Hispanic males, two Hispanic females and two children. After all individuals were secured and escorted into one central location of the residence, they were all read Miranda Warnings in the Spanish language. All five adults acknowledged their rights and stated they understood them. After the acknowledgement of the Miranda Warning, an individual identified as Cesar David HERNANDEZ-Lopez, a native and citizen of Honduras without any

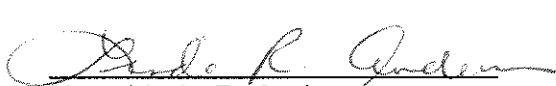
immigration documents allowing him to reside or be present in the United States, asked if he could get some additional clothing from his bedroom because he was cold. Officers allowed him to show them where in the bedroom he kept the clothing he requested. While in the bedroom with officers, officers told HERNANDEZ-Lopez that they were aware that he owned a firearm and they asked him where it was kept. HERNANDEZ-Lopez told officers that the firearm he owned was under the mattress in the room. A search conducted by ICE officers of HERNANDEZ-Lopez' bedroom revealed a Hi-Point 9mm semi-automatic pistol. Seated in the pistol was a magazine containing 6 rounds of 9mm ammunition. Also located in this bedroom was a previously fired 9mm casing. When questioned about how he came to own this firearm, HERNANDEZ-Lopez stated that he purchased the firearm for \$150 USD from a Hispanic male named Francisco approximately three weeks earlier.

10. On February 9, 2016 ICE officers conducted records queries through NCIC on the two firearms located during the search of 1032 Westhaven Blvd., Jackson, MS 39209. NCIC record G383518360 was returned indicating that Ruger pistol S/N 335-24546 had been reported stolen from a location in Jackson, MS.

Based on the information contained herein, your affiant believes that probable cause exists that Jose Enrique MEJIA-Orellana, also known as Jose Enrique MEJIA-Tigeros, and Cesar David HERNANDEZ-Lopez are aliens present in the United States in violation of the Immigration and Nationality Act, and that on February 9, 2016 they were found to be in possession of firearms and ammunition which have been shipped or transported in interstate commerce in violation of Title 18, United States Code, Section 922 (g)(5).


Francisco J. Ayala
Deportation Officer
U. S. Immigration and Customs Enforcement

Sworn to and subscribed before me this 9th day of February 2016.


Hon. Linda R. Anderson
United States Magistrate Judge